

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------------------------|---|------------------|
| JOSEPH MUNDY, |) | |
| |) | |
| Plaintiff, |) | No. 08 C 1576 |
| |) | |
| vs. |) | Judge Bucklo |
| |) | |
| |) | Magistrate Judge |
| YELLOW TRANSPORTATION COMPANY, INC., |) | Valdez |
| SHORT-TERM DISABILITY PLAN, |) | |
| Designated for Employees of |) | |
| Yellow Transportation, Inc.; |) | |
| YELLOW TRANSPORTATION COMPANY, INC., |) | |
| LONG-TERM DISABILITY PLAN, |) | |
| Designated for Employees of |) | |
| Yellow Transportation, Inc.; |) | |
| CIGNA CORPORATION, |) | |
| in its capacity as Administrator |) | |
| of the Plans; |) | |
| |) | |
| Defendants. |) | |

PLAINTIFF'S MOTION TO AMEND COMPLAINT

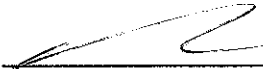
1. A complaint was filed in this matter on March 18, 2008.
2. The Defendants were granted until May 29, 2008 to Answer or Otherwise Plead.
3. The Defendants have not answered or otherwise pled.
4. The Plaintiff has learned that Count I is not subject to ERISA, and that the Life Insurance Company of North America is the proper defendant, as opposed to CIGNA, who was named.
5. The plaintiff requests leave to file the Amended

Complaint, Instanter, to amend Count I to a Breach of Contract Ancillary claim against Yellow Transportation, Inc., and to add a Jury Demand, and to amend Count II to re-name the defendant the Life Insurance Company of North America.

6. The defendants do not oppose the motion to amend the complaint, although the defendants do not waive their right to otherwise plead to the new counts when filed.

WHEREFORE, Plaintiff requests leave to file the Amended Complaint, Instanter.

Respectfully submitted,



Attorney for Plaintiff

Dobbs and Hutchison
47 West Polk Street, Suite M-2
Chicago, IL 60605
312-461-9800